

Message Text

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PAGE 01 DUBLIN 02264 251405Z

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ACTION EUR-12

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AMEMBASSY BERN

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AMCONSUL BELFAST

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SUBJECT: DUST BEGINS TO SETTLE AFTER RESIGNATION OF
IRELAND'S PRESIDENT

REF: (A) DUBLIN 2227 (NOTAL), DUBLIN 2263 (NOTAL)

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PAGE 02 DUBLIN 02264 251405Z

1. SUMMARY: WEEK-END REACTION BY POLITICIANS AND POLITICAL

COMMENTATORS TO THE SURPRISE RESIGNATION OF IRELAND'S PRESIDENT CEARBHALL O DALAIGH BACKED OFF FROM THE "POLITICAL CRISIS" ATMOSPHERE THAT DOMINATED THE FIRST 24 HOURS. DEFENSE MINISTER DONEGAN'S "THUNDERING DISGRACE" CHARGE AGAINST THE PRESIDENT, WHICH PROMPTED THE RESIGNATION, IS CAUSING ADDED STRAINS WITHIN THE RULING FINE GAEIL-LABOR COALITION GOVERNMENT BUT SPOKESMAN INSIST THAT THE GOVERNMENT WILL NOT RESIGN AND CALL AN EARLY GENERAL ELECTION. THE OPPOSITION FIANNA FAIL PARTY HAS CAUGHT PRIME MINISTER COSGRAVE'S GOVERNMENT IN A MAJOR GAFFE THAT CAN ONLY REDOUND TO FIANNA FAIL'S ADVANTAGE. EARLIER REACTION WAS THAT TENSIONS BETWEEN THE GOVERNMENT AND OPPOSITION WOULD PRECLUDE ANY POSSIBILITY THAT AN "AGREED CANDIDATE" COULD BE FOUND TO OBTAIN THE CONSTITUTIONAL REQUIREMENT FOR A PRESIDENTIAL ELECTION WITHIN 60 DAYS. SUGGESTIONS ARE NOW FILTERING UP THAT THE GOVERNMENT MIGHT ACCEPT A RELATIVELY NON-CONTROVERSIAL OPPOSITION FIANNA FAIL CANDIDATE FOR THE CEREMONIAL POST OF PRESIDENT TO AVOID AN ELECTION IN WHICH THE COALITION GOVERNMENT WOULD PROBABLY BE THE LOSER. RETIRING EC COMMISSIONER PADDY HILLERY, FIANNA FAIL PARTY LEADER JACK LYNCH AND PARTY WHEELHORSE MAJOR VIVIAN DE VALERA (WHO AT LEAST HAS THE ADVANTAGE OF HIS FATHER'S NAME) ARE BEING FLOATED AS FIANNA FAIL CANDIDATES, AND CHIEF JUSTICE O HIGGINS FOR FINE GAEIL. THE PICTURE WILL BECOME CLEARER WHEN THE TWO MAJOR PARTIES HOLD MEETINGS OF THEIR PARLIAMENTARY FRONT BENCHES IN THE NEXT TWO DAYS. END SUMMARY.

2. THE FACTS: DEFENSE MINISTER PATRICK DONEGAN, A LAW AND ORDER POLITICIAN WITH A REPUTATION FOR A "HOT AND GENEROUS TEMPERAMENT" EARLY LAST WEEK STRAYED FROM HIS TEXT AT THE OPENING OF A NEW MILITARY FACILITY TO COMPLAIN THAT PRESIDENT O DALAIGH HAD SEEN FIT TO SEND THE RECENTLY ENACTED EMERGENCY POWERS BILL TO THE SUPREME COURT FOR AN ADVISORY OPINION AS TO ITS CONSTITUTIONALITY BEFORE SIGNING THE LEGISLATION. DONEGAN'S POINT WAS THAT A LARGE NUMBER OF MEASURES DESIGNED TO CURB IRA ACTIVITIES HAVE BEEN SIGNED INTO LAW WITHOUT PRIOR REFERRAL TO THE SUPREME COURT. THEREFORE, THE PRESIDENT'S UNWARRANTED CONCERN OVER THE CONSTITUTIONALITY OF THE EMERGENCY POWERS BILL CONSTITUTED A "THUNDERING DISGRACE", ACCORDING TO DONEGAN.

3. ALTHOUGH THE DEFENSE MINISTER SOUGHT SEVERAL OPPORTUNITIES PERSONALLY TO FULLY APOLOGIZE FOR HIS ACKNOWLEDGED INDISCRETION, LIMITED OFFICIAL USE

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PAGE 03 DUBLIN 02264 251405Z

PRESIDENT O DALAIGH TOOK THE BLAST SERIOUSLY AS AN ATTACK ON THE PRESIDENCY ITSELF AND BELIEVED HE HAD NO CHOICE EXCEPT TO RESIGN. HIS LEGAL AND HIGH COURT BACKGROUND LED HIM TO TAKE A STRICT AND LEGALISTIC VIEW OF HIS POSITION AND THE CONSTITUTIONAL INABILITY OF A PRESIDENT TO RESPOND TO THE CRITICISM. HE REFUSED TO RECEIVE DONEGAN WHO THEN APOLOGIZED BY LETTER. O DALAIGH REPLIED BY LETTER REJECTING DONEGAN'S APOLOGY. IT IS CLEAR THAT PRIME MINISTER COSGRAVE (AT LEAST EARLY ON) UNDERESTIMATED

THE REACTION OF THE PRESIDENT, AND FELT THAT A SIMPLE APOLOGY WOULD SUFFICE, WITHOUT THE NECESSITY OF SACKING HIS DEFENSE MINISTER, A LOYAL PARTY SUPPORTER AND COLLEAGUE. THE PARLIAMENTARY DEBATE ON WHETHER DONEGAN SHOULD RESIGN ENDED IN A STRAIGHT PARTY VOTE IN SUPPORT OF THE PRIME MINISTER'S REFUSAL TO DISMISS HIS DEFENSE MINISTER. THIS OUTCOME WAS AN IMPORTANT FACTOR IN PRESIDENT O DALAIGH'S DECISION.

4. POLITICAL IMPLICATIONS: AS THE DUST BEGAN TO SETTLE AND JOCKEYING BEGAN TO FILL THE LARGELY CEREMONIAL OFFICE OF PRESIDENT WITHIN 60 DAYS, POLITICAL COMMENT TOOK PREDICTABLE PARTY LINES. WHILE THE PRIME MINISTER MAINTAINED HIS USUAL STOIC SILENCE, HIS PARLIAMENTARY SECRETARY, JOHN KELLY, KNOWN LOCALLY AS THE GOVERNMENT'S "HATCHETMAN", DOWNGRADED THE INCIDENT AS AN "OVER-REACTION BY THE PRESIDENT", SAID THERE WAS NO REASON FOR THE GOVERNMENT TO CALL A GENERAL ELECTION OVER "A FEW HEATED WORDS THAT WERE INSTANTLY WITHDRAWN", AND CHARGED THAT THE OPPOSITION SIMPLY WANTED "TO FOMENT A CRISIS" WHERE NONE EXISTS.

5. OPPOSITION FIANNA FAIL FRONT BENCHER CHARLES HAUGHEY OUTLINED WHAT IS LIKELY TO BE THE PARTY'S APPROACH/ (A) IT IS A SERIOUS CONSTITUTIONAL MATTER, NOT SIMPLY A POLITICAL SQUABBLE; (B) THE BLAME LIES ENTIRELY WITH AN INSENSITIVE PRIME MINISTER WHO SHOULD HAVE MOVED IMMEDIATELY BY FIRING HIS DEFENSE MINISTER; (C) ONLY A CONTESTED ELECTION FOR A SUCCESSOR CAN REPAIR THE DAMAGE AND RE-ESTABLISH THE DIGNITY OF THE OFFICE OF THE PRESIDENT. HAUGHEY MANAGED TO FIND ANOTHER POLITICAL CHARGE WHICH WAS IMPLIED IN O DALAIGH'S RESIGNATION: BY CHOOSING A MILITARY AUDIENCE FOR HIS ATTACK ON THE PRESIDENT (AS COMMANDER-IN-CHIEF) DEFENSE MINISTER DONEGAN HAD "BROUGHT THE ARMY INTO POLITICS". HE INTIMATED THAT THE MILITARY BRASS WERE "ALREADY CHOOSING SIDES" IN THE CONTROVERSY.

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PAGE 04 DUBLIN 02264 251405Z

6. SENATOR BRENDAN HALLIGAN, SPEAKING FOR THE COALITION LABOR PARTNER, CHOSE TO EMPHASIZE THAT THE INCIDENT COULD ONLY REDOUND TO THE ADVANTAGE OF THE IRA... "THEY MUST BE LAUGHING THEMSELVES SILLY". HIS POINT WAS THAT ALL THREE OFFICIALS INVOLVED (DONEGAN, THE PRESIDENT, THE PRIME MINISTER) ARE DEEPLY COMMENTED TO STRONGER MEASURES TO CONTROL IRA TERRORIST ACTIVITY ON THIS ISLAND; THE IMBROGLIO WAS AT LEAST REMOTELY CAUSED BY THEIR JOINTLY-HELD DESIRE TO RESTORE PEACE IN IRELAND, I.E. THE ANTI TERRORISM LEGISLATION. HALLIGAN ALSO NOTED THE COALITION'S DESIRE FOR AN AGREED-UPON CANDIDATE, REFERRING TO "A TIME FOR RECONCILIATION".

7. COMMENT: SEVERAL TRENDS ARE EMERGING. AMONG THEM:
(A) A CONTESTED ELECTION FOR A SUCCESSOR TO FORMER PRESIDENT O DALAIGH COULD ONLY CAUSE PROBLEMS FOR THE COALITION FINE GAEL-

LABOR GOVERNMENT... HAVING CAUSED THE RESIGNATION OF THE PRESIDENT, THEIR CANDIDATE WOULD START HIS CAMPAIGN AT A DISADVANTAGE. ATTORNEY-GENERAL DECLAN COSTELLO AND LABOR PARTY LEADER BRENDAN CORISH STAND OUT AS THEIR ONLY TWO CANDIDATES ON THE HORIZON AT THIS TIME. (B) THE LACK-LUSTER FIANNA FAIL, STILL SMARTING UNDER ITS INABILITY TO CAPITALIZE ON IRELAND'S DISMAL ECONOMIC SITUATION, HAS CAUGHT THE GOVERNMENT IN A MAJOR GOOF. POTENTIAL FIANNA FAIL CANDIDATES, WHETHER IN A CONTESTED ELECTION OR BY FORCING THE GOVERNMENT TO ACQUIESCE ON AN "AGREED CANDIDATE" ARE LIKELY TO BE MORE ATTRACTIVE TO THE COUNTRY. RETIRING EC COMMISSIONER AND FORMER FOREIGN MINISTER PADDY HILLARY IS ONE EXAMPLE. FIANNA FAIL PARTY LEADER JACK LYNCH IS ANOTHER POSSIBILITY. THE GOVERNMENT MIGHT ACCEPT HIM KNOWING THAT THE OPPOSITION WOULD BE THROWN INTO A SUCCESSION TURMOIL IF HE WERE TO RELINQUISH THE HELM. ON THE OTHER HAND, LYNCH IS BELIEVED TO SENSE A GENERAL ELECTION ISSUE THAT COULD BRING HIM BACK TO THE PRIME MINISTERSHIP, A POSSIBILITY HE MIGHT BE LOATH TO ABANDON BY ACCEPTING ELEVATION TO THE ESSENTIALLY CEREMONIAL PRESIDENCY. (C) THERE IS A STABLE OF RELATIVELY ACCEPTABLE DARK HORSES, FOR EXAMPLE, CHIEF JUSTICE TOM O'HIGGINS WHO HAS UNSUCCESSFULLY RUN FOR PRESIDENT TWICE, LOSING BY CLOSE MARGINS EVEN WHEN HE RAN AGAINST THE LEGENDARY EAMON DE VALERA. (D) AS GOVERNMENT SPOKESMAN KELLY STATED, THERE IS LITTLE REASON FOR THE GOVERNING COALITION TO CALL A SNAP GENERAL ELECTION. THE PRESIDENT OF IRELAND IS ELECTED (CHOSEN) FOR A SEVEN YEAR TERM WHILE GENERAL ELECTIONS ARE MANDATORY EVERY FIVE YEARS (OR SOONER IF THE GOVERNMENT FALLS). LIMITED OFFICIAL USE

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PAGE 05 DUBLIN 02264 251405Z

GENERAL ELECTIONS MUST BE HELD BY FEBRUARY 1978, ALTHOUGH POLITICAL COMMENTATORS HAVE BEEN PREDICTING THAT THE COSGRAVE GOVERNMENT WILL CALL ELECTIONS NO LATER THAN THE AUTUMN OF 1977. (E) BASED ON EUROPEAN PRESS REPORTS AND RADIO BROADCASTS WE HAVE HEARD HERE, THE MEDIA HAVE OVER-EMPHASIZED THAT PRESIDENT O DALAIGH RESIGNED BECAUSE OF DISAGREEMENT OVER THE ANTI-TERRORISM LEGISLATION. NO ONE HERE DISAGREES WITH HIS AUTHORITY TO REFER THE LEGISLATION TO THE SUPREME COURT FOR WHAT AMOUNTS TO A BINDING ADVISORY OPINION. THERE MAY BE DISAGREEMENT AS TO WHETHER OR NOT SUCH REFERRAL WAS NECESSARY OR EVEN DESIRED. THE PROXIMATE CAUSE WAS SIMPLY AN ATTACK ON THE PRESIDENCY ITSELF, A LESE MAJESTE, IF YOU WILL. VARIOUS SUGGESTED REMOTE CAUSES SUCH AS A DISAGREEMENT OVER THE HANDLING OF ANTI-TERRORISM POLICY ARE INACCURATE AND IMMATERIAL. CURLEY

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